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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Responsible Office: Office of Protective Services

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Appendix D: NASA Federal Arrest Authority And Use of Force Program Qualifications and Training

D1.1 General

D1.1.1. 42 U.S.C. 2456a, Section 304(f) of the National Aeronautics and Space Act of 1958, as amended, and 14 CFR Part 1203b--Security Programs; Arrest Authority and Use of Force by NASA Security Force Personnel authorizes the Administrator to implement an Agency Federal Arrest Authority and Use of Force program to ensure appropriate protection for NASA employees, facilities, information, and missions.

D1.1.2. The Agency Federal Arrest Authority and Use of Force programs shall be managed in strict compliance with the requirements established by the Attorney General of the United States and direction provided in the following paragraphs.

D1.1.3. Failure to maintain qualification, training and certification requirements established under this NPR shall result in denial of Center authorization to arm personnel.

D1.2 Federal Arrest Authority Program

D1.2.1. Qualifications. Federal Arrest Authority shall not be performed unless the Center

Director has the following assurances:

- a. All Federal Arrest Authority candidates must be physically fit in order to graduate from the NASA Federal Arrest Authority course of instruction.
- b. NASA civil service supervisors shall insure that all civil service employees and security contractor personnel nominated for Federal Arrest Authority are physically and emotionally stable.
- c. Federal Arrest Authority authorization shall be withheld or suspended pending an assessment of a Federal Arrest Authority candidate's physical and mental health by a qualified physician.
- d. That the candidate is currently a certified graduate in accordance with the training described in, but not limited to this Appendix.

D1.2.2. Attendance at the full Federal Arrest Authority basic training course may be waived for civil service candidates only, under the following circumstances:

- a. The candidate is a retired or former law enforcement officer who has met all imposed hiring criteria and who has graduated from an appropriate Federal Law Enforcement Training Program (e.g., FLETC, FBI Academy) and has retired within the last 24 months or has attended FLETC, FBI Academy) training within the past 24-months. Under these circumstances, the candidate must only attend the Federal Arrest Authority refresher course, and;
- b. The candidate must complete required in-service Use of Force training, intermediate to deadly force; semiannual qualification with assigned firearm (Appendix E); judgmental shooting with the FATS or equivalent training system; and NASA regulations and Center implementing instructions and training concerning Federal Arrest Authority, or;
- c. The candidate is not identified as requiring Federal Arrest Authority and therefore, must attend and graduate from the NASA Security Officer Fundamentals Certification Course (SOFCC).

D1.2.3. Selection and Attendance at NASA Federal Arrest Authority Training.

D1.2.3.1. Attendance at Federal Arrest Authority training is required for all Civil Service personnel (CS) tasked with performing duties related to:

- a. Investigations.
- b. Frequent duty related interactions with outside law enforcement.
- c. Oversight of security services contractor guard force.
- d. VIP and special event protection details.
- e. Activity requiring an individual to be under arms.
- f. SWAT, K-9 and other LE emergency response members.

D1.2.3.2. Attendance at Federal Arrest Authority training for security services contractor personnel shall be determined by the CCS and may be limited to:

- a. Shift Supervisors (e.g., Capt, Lt., Sgt.).
- b. Those conducting investigations.
- c. Those performing VIP and special event security details on NASA property.
- d. Those uniformed personnel performing duties with responsibility for responding to and managing incidents with the potential for involving a lawful arrest (i.e., traffic enforcement, property crimes, crimes against persons, disturbances, etc.).

(Note: Duties with the potential for the lawful detaining of a person while waiting to release to proper law enforcement authorities does not meet criteria for attendance at Federal Arrest Authority training.)

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1.2.3.3. Special Response Teams, K-9 Teams, other LE Emergency Response Teams Centers that utilize specialized contractor security teams, e.g. SWAT, K-9 shall utilize standardized selection criteria that will include a physical fitness test, an oral interview, a job specific physical test, a written test, and a review of employment files (to insure the officer has completed probationary periods and to confirm that the officer is not under any disciplinary cloud.) Each Center may develop their own specific details on what to include within these criteria but, as minimum, must include the requirements identified in Section 1.4, subparagraph b.

1.2.3.4. CS/Contractor personnel performing duties solely as security specialists within the personnel, information, SAP/SCI, IT, and physical security areas; and whose responsibilities center around managing and performing traditional security program duties as: classified material management; facility security inspections; interviews and research for the purpose of adjudicating access or suitability, shall not be armed.

1.2.3.5. Contractor personnel standing static security posts are not required to attend Federal Arrest Authority training. However, in lieu of attendance at NASA FLEA, these personnel must complete the SOFC course, either at KSC or at their home Center. They are not required to receive "Arrest Authority" training.

1.2.4. To ensure consistency Agencywide, the SOFC course shall be developed by KSC-FLEA, and taught at KSC or at each Center by either KSC or Center-based Federal Arrest Authority certified trainers. The SOFC shall include adequate training on:

- a. Use of Force and Intermediate Use of Force.
- b. Lawful Detaining of Persons.
- c. Unarmed Defensive Tactics.
- d. Weapons Qualification.

1.2.5. Mandatory Pass/Fail Testing Program.

To ensure only qualified individuals are afforded the privilege of assuming Federal Arrest Authority status, the following standards shall apply:

- a. Must pass all portions of the designated program with minimum 80 percent passing grade.
- b. Shall retake the section test one time after initial testing. A repeat failure after retaking the course of instruction shall result in the nominee being dropped from the Federal Arrest Authority program. CCSs are NOT authorized to reduce any training standards established under this NPR.

1.2.6. Individuals authorized Federal Arrest Authority shall carry the appropriate Miranda Advisement of Rights cards.

D1.3 Use of Force

1.3.1. Under NASA Federal Arrest Authority rules and procedures, Security Force personnel performing security duties may find themselves in a situation where they are required to take a person into custody or defend themselves or someone else. How much force the NASA security officer is allowed to use in a tense and potentially dangerous situation depends on the situation and how well the officer is trained and equipped.

1.3.2. Center CCS shall establish and conduct, at least semiannual, Use of Force training concurrent with required weapons qualification. Established training must include the complete "Use of Force Continuum" theory and currently recognized practices to ensure an appropriate level of understanding and practical application is present among security force personnel.

1.3.3. Use of Force Continuum

The use of force continuum always begins with the adage "Reasonable Force," meaning simply: "the level of force necessary to overcome the obstacle." The use of force continuum is termed "a measured continuum" ranging from no force to deadly force. Choosing just the level of force necessary to overcome the obstacle shall usually be judged as "reasonable."

1.3.4. If it becomes necessary to use a firearm as authorized in 14 CFR Section 1203b.107, NASA CCS shall comply with the following procedures:

1.3.4.1. The incident shall be reported to the CCS, who in turn, shall report it to the appropriate supporting law enforcement agency and then to the AA/OSPP as expeditiously as possible with as many details supplied as are available.

1.3.4.2. The officer shall be promptly suspended from duty with pay or reassigned to other duties not involving the use of a firearm, as the Center Director or as the AA/OSPP deems appropriate, pending investigation of the incident.

1.3.4.3. The respective Center Director or AA/OSPP shall appoint an investigating officer to conduct a thorough investigation of the incident. Additional personnel shall also be appointed as needed to assist the investigating officer. Upon conclusion of the investigation, the investigating officer shall submit a written report of findings and recommendations to the appropriate Center Director or AA/OSPP.

1.3.4.5. Upon conclusion of the investigation, the Center Director and/or the AA/OSPP, with the advice of the OGC or Office of Chief Counsel, shall determine the appropriate disposition of the case. If the investigation determines that the officer committed a crime,

the information shall be promptly reported to the supporting law enforcement agency.

1.3.5. Prohibitions.

1.3.5.1. Unreasonable use of force is considered misconduct. Such misconduct shall result in administrative, civil, and/or criminal action against the perpetrator.

1.3.5.2. Verbal abuse, verbal threats of violence, nonphysical threats, or nonviolent resistance cannot be the basis for the use of force.

1.3.6. Security Equipment

Security and law enforcement equipment with use of force applications must be authorized by the Center Director or DMSO with the concurrence of the OGC and AA/OSPP, as appropriate.

1.4 Training Curriculum

The NASA Federal Law Enforcement Training Program is developed and managed by the Kennedy Space Center Protective Services Office. The curriculum is approved by the AA/OSPP. Training shall consist of the following topics:

- Legal Studies
- General Law Enforcement Studies and Exercises
- Weapons Familiarization and Qualification

b. Additional standards are required to qualify for SRT, K-9 and other LE emergency response teams. Each Center may set their own specific standards for each of these teams but these standards shall meet the following minimum requirements.

(1). Applicants must meet and maintain a physical fitness standard that includes:

- Obstacle / Agility Course
- o At least 22 Push ups
- o At least 25 Sit ups
- o At least a 1 mile run. (Centers shall set a qualifying time limit.)
- o A task specific physical fitness test; e.g., controlling a dog, running with a breaching ram, carrying/dragging a hostage dummy.

(2). Weapons Qualification: The following weapons qualification scores must be achieved the same day as the physical fitness exam.

- Handgun - 90 or higher
- Shotgun - 90 or higher (if issued)
- Rifle - 90 or higher (if issued)
- Sub-machine gun (if issued)

(3). A written test - (Score 90% or better)

(4) Successful completion of an oral interview.

1.5 Federal Arrest Authority and Use of Force Refresher Training

Personnel trained and certified under the NASA Federal Arrest Authority and Use of Force Training Program will attend and complete 2-week refresher training every 2 years.

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